

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF RATES OF THE SALEM)	CASE NO.
TELEPHONE COMPANY, INC.)	91-217

O R D E R

This matter arising upon petition of Salem Telephone Company, Inc. ("Salem Telephone") filed July 17, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the identity of vendors and firms providing consulting services and materials to businesses engaged in telecommunications on the grounds that disclosure of the information is likely to cause competitive injury, and it appearing to this Commission as follows:

In response to the Commission's Order of April 7, 1992, Salem Telephone has furnished the hourly rate charged by the staff of different firms in providing consulting services and schedules of rates charged by different vendors for the business services they offer. The information filed by Salem Telephone was used to perform a cost benefit analysis submitted in this proceeding. By this petition, Salem Telephone seeks to protect the identity of the vendors and firms as confidential.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that

section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

In requesting confidential protection, Salem Telephone does not allege that disclosure of the information is likely to cause it competitive injury. Instead, the petition alleges that the sources from which it obtained the information would suffer injury. Those sources, however, have not requested protection and therefore the information cannot be protected.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. Salem Telephone's petition to protect as confidential the identity of vendors and firms providing consulting services and materials to businesses engaged in telecommunications be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall be


placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 6th day of August, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director